IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF NOVEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 19845 of 2005

Between:

Makam Suresh Babu

..... PETITIONER

AND

Station House Officer,

II Town Police Station, Anantapur.

.....RESPONDENT

ORDER:

Seeking a Mandamus, declaring the action of the respondent in opening the rowdy sheet No.HS-367 against the petitioner and continuing the same, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

It is stated that though certain cases have been registered against the petitioner, all of them were ended in acquittal, and therefore, continuance of rowdy sheet against the petitioner is illegal and arbitrary.

A counter affidavit has been filed by the respondent stating that the petitioner was involved in four criminal cases and out of four criminal cases, three criminal cases i.e. Cr.No.113/98 for the offence under Sections 143, 120(B) IPC and Section 5 of E.S.Act and 25 (1-B)(b) of Arms Act, Cr.No.120/98 for the offence under Section 379 IPC, and Cr.No.86/99 for the offence under Section 302 r/w.34 IPC are ended in acquittal and the fourth case in Cr.No.17/98 for the offence under Sections 147, 148, 427 IPC was compromised in Lok Adalat, and therefore, no cases are pending against the petitioner. But, however, it is stated that as the petitioner involved in the acts of violence, which disturbed the peace of public in Kurnool District in 1998, a rowdy sheet was opened against the petitioner on 23.04.1999, which was extended from time to time.

As no cases are pending against the petitioner, I am of the opinion that continuance of rowdy sheet against the petitioner is illegal and unsustainable. Therefore, the respondent is directed to close down the rowdy sheet maintaining against the petitioner. However, it is left open for the respondent to open rowdy sheet if the petitioner involves in any case, disturbing the public peace.

With the above observations, the Writ Petition is allowed. No order as to costs.

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V.ESWARAIAH,J

Dated: 21.11.2005

Dsr